

Office of State Appellate Public Defender

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2007 Total App	FY 2007 Actual	FY 2008 Approp	FY 2009 Request	FY 2009 Gov Rec
BY FUND CATEGORY					
General	1,996,600	1,954,900	2,084,200	2,708,400	2,629,700
Percent Change:		(2.1%)	6.6%	29.9%	26.2%
BY OBJECT OF EXPENDITURE					
Personnel Costs	1,448,300	1,411,900	1,533,700	1,924,200	1,858,800
Operating Expenditures	548,300	539,500	550,500	774,000	765,800
Capital Outlay	0	3,500	0	10,200	5,100
Total:	1,996,600	1,954,900	2,084,200	2,708,400	2,629,700
Full-Time Positions (FTP)	21.00	21.00	21.00	24.00	22.00

Division Description

The mission of the SAPD is embodied by the legislative intent articulated in Idaho Code section 19-868, which states:

The legislature recognizes that, the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly convictions for first degree murder, is an extraordinary burden on the counties of this state. In order to reduce this burden, provide competent counsel but avoid paying high hourly rates to independent counsel to represent indigent defendants in appellate proceedings, the legislature hereby creates the office of the state appellate public defender.

The State Appellate Public Defender provides services in the following areas:

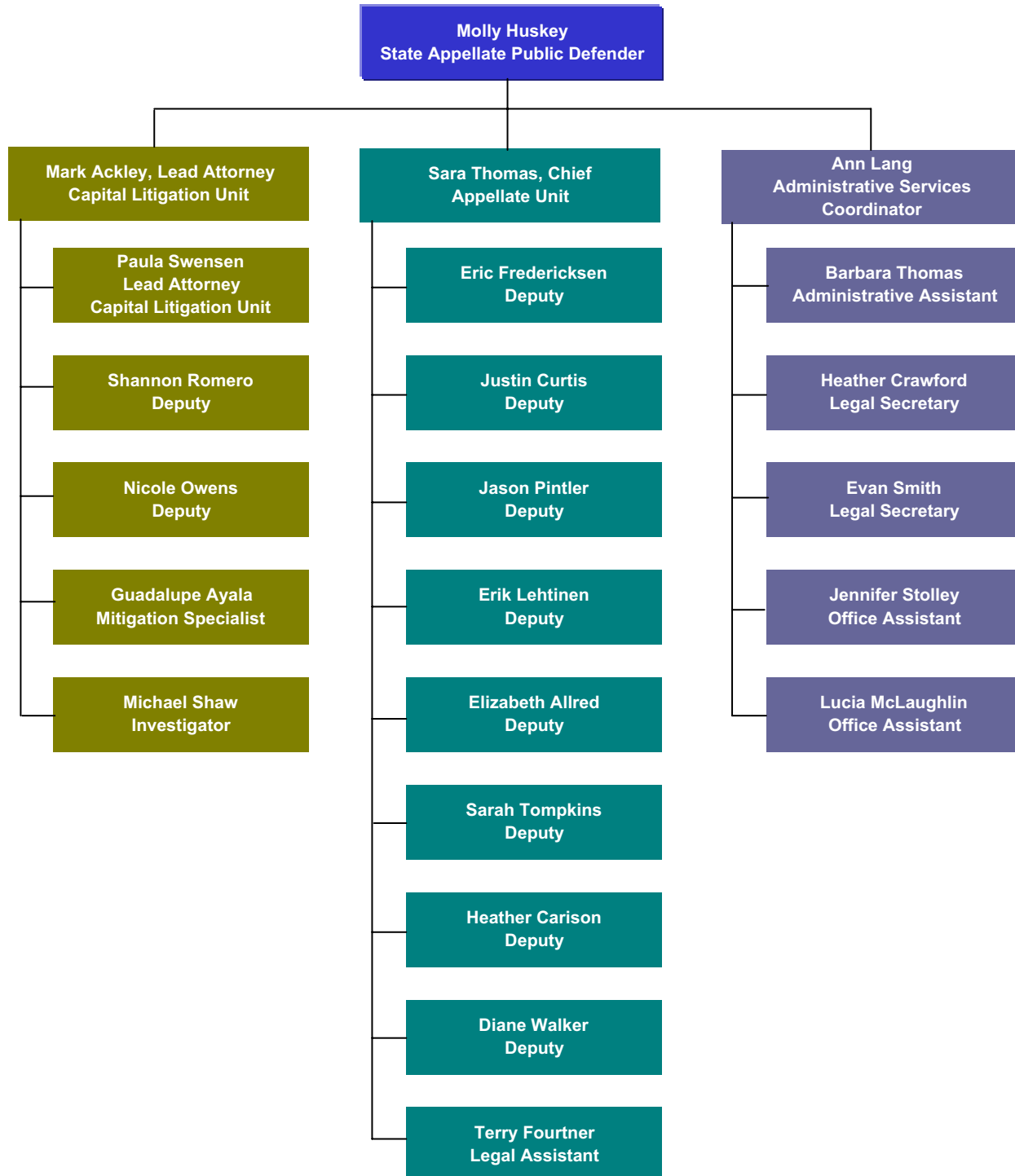
- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

State Appellate Public Defender

Agency Profile

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Organizational Chart



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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2008 Original Appropriation	21.00	2,084,200	2,084,200	21.00	2,084,200	2,084,200
FY 2009 Base	21.00	2,084,200	2,084,200	21.00	2,084,200	2,084,200
Benefit Costs	0.00	50,900	50,900	0.00	50,900	50,900
Inflationary Adjustments	0.00	2,300	2,300	0.00	2,300	2,300
Statewide Cost Allocation	0.00	1,600	1,600	0.00	1,600	1,600
Change in Employee Compensation	0.00	13,900	13,900	0.00	69,500	69,500
FY 2009 Program Maintenance	21.00	2,152,900	2,152,900	21.00	2,208,500	2,208,500
1. Salary Parity	0.00	134,700	134,700	0.00	134,700	134,700
2. Appellate Unit Attorneys	2.00	163,900	163,900	1.00	82,000	82,000
3. Support Staff	1.00	52,400	52,400	0.00	0	0
4. Capital Cases	0.00	204,500	204,500	0.00	204,500	204,500
FY 2009 Total	24.00	2,708,400	2,708,400	22.00	2,629,700	2,629,700
Change from Original Appropriation	3.00	624,200	624,200	1.00	545,500	545,500
% Change from Original Appropriation		29.9%	29.9%		26.2%	26.2%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2008 Original Appropriation	21.00	2,084,200	0	0	2,084,200
FY 2009 Base					
Agency Request	21.00	2,084,200	0	0	2,084,200
Governor's Recommendation	21.00	2,084,200	0	0	2,084,200

Benefit Costs

Reflects \$2,075 per position or a 29% increase in employer-paid health insurance premiums from \$7,125 to \$9,200 per year. This increase is artificially inflated since the rates have been frozen for the last two years, with increases being covered from reserves.

Agency Request	0.00	50,900	0	0	50,900
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The Governor recommends funding the employer increase in health insurance, and does not remove the funding for their PERSI rate increase that was included in the request. Recently, the PERSI Board voted not to increase the contribution rate for the upcoming fiscal year.

Governor's Recommendation	0.00	50,900	0	0	50,900
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Inflationary Adjustments

Reflects a 3% increase in office space lease.

Agency Request	0.00	2,300	0	0	2,300
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Inflationary increases are provided only for contractual obligations such as leased space costs. Other inflationary requests are not recommended.

Governor's Recommendation	0.00	2,300	0	0	2,300
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Statewide Cost Allocation

Reflects changes in State Treasurer and State Controller fees, and in property and casualty insurance premiums.

Agency Request	0.00	1,600	0	0	1,600
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Governor's Recommendation	0.00	1,600	0	0	1,600
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Change in Employee Compensation

Agencies were instructed to input a CEC based on a 1% calculator.

Agency Request	0.00	13,900	0	0	13,900
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The Governor recommends a compensation increase of 5% to be distributed based on merit.

Governor's Recommendation	0.00	69,500	0	0	69,500
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FY 2009 Program Maintenance					
Agency Request	21.00	2,152,900	0	0	2,152,900
Governor's Recommendation	21.00	2,208,500	0	0	2,208,500

1. Salary Parity

A lack of salary parity was noted in the National Legal Aid & Defender Association audit (June 2007) as a deficiency in meeting national standards. According to the SAPD, "staff is aware of this discrepancy and this disparity has been the source of much tension and lowered morale...Unless this disparity is remedied, it will cause the loss of experienced, trained staff, which will be difficult to replace at the salary levels currently available." [Ongoing]

Agency Request	0.00	134,700	0	0	134,700
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Governor's Recommendation	0.00	134,700	0	0	134,700
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2. Appellate Unit Attorneys

The appellate unit consists of eight staff attorneys, one paralegal, two support staff, and the chief of the appellate unit. The average workload for the appellate unit staff attorneys is 48.53 work units, almost twice the national standards. The addition of two staff attorneys would drop that to 38.83 work units. Funding is requested to add two additional appellate unit attorneys in order to come closer to national case load standards. [\$149,800 Ongoing & \$14,100 One-time]

Agency Request	2.00	163,900	0	0	163,900
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Governor's Recommendation	1.00	82,000	0	0	82,000
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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
3. Support Staff					
National standards require "an adequate number of secretaries to ensure competent representation to clients and adequate assistance to attorneys." Generally, the standard appears to be one support person to four felony attorneys. Currently, SAPD has two positions for the appellate unit. For the past year, they have used two part-time positions to meet the workload. There are currently ten staff positions in the appellate unit: one paralegal, eight staff attorneys, and one chief of the appellate unit -- ten positions for two part-time support staff. Funding is requested to bring the SAPD into compliance with national standards and permit more accurate and timely work. [\$51,200 Ongoing & \$1,200 One-time]					
Agency Request	1.00	52,400	0	0	52,400
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
4. Capital Cases					
EVIDENTIARY HEARINGS: The capital litigation unit expects to have evidentiary hearings in the following cases: State v. Azad Abdullah, State v. Erick Hall, and State v. Timothy Dunlap. Each case will require expert and lay witness testimony and travel, attorney travel, and the general expenses associated with trial. It is anticipated that to cover the three evidentiary hearings, an additional \$129,500 is required.					
NEW CAPITAL POST CONVICTION CASES: It is anticipated that four additional capital cases will be appointed to the SAPD in FY2009. These cases are State v. Erick Hall, State v. Michael Jauhola, State v. Darrel Payne, and State v. Hagnis. An additional \$75,000 is requested to cover this added cost.					
Agency Request	0.00	204,500	0	0	204,500
Governor's Recommendation	0.00	204,500	0	0	204,500
FY 2009 Total					
Agency Request	24.00	2,708,400	0	0	2,708,400
Governor's Recommendation	22.00	2,629,700	0	0	2,629,700
Agency Request					
Change from Original App	3.00	624,200	0	0	624,200
% Change from Original App	14.3%	29.9%			29.9%
<i>Governor's Recommendation</i>					
Change from Original App	1.00	545,500	0	0	545,500
% Change from Original App	4.8%	26.2%			26.2%